

REMARKS

The following paragraph numbers correspond to the same paragraph numbers in the subject Detailed Office Action. Applicant appreciates the useful consideration given to the present application by the examiner.

1. Priority

The Utility Patent Transmittal form PTO/SB/05 is re-submitted with a CIP status claimed for application 09/826,118 filed on 01/09/2001 and application 10,266,257 filed on 10/08/2002.

2. Oath/Declaration

The oath in PTO/SB/01 is re-submitted as per your request.

4. Specification

I have included the correction to the specification on page 1 that includes your correction and deletes one of the CIP patent applications. On page 1 line 6 the "apolication" is replaced by the correct spelling "application". On page 1 lines 7-8 the phrase ", application 09/526,117 filed on 01/09/2001" is deleted as un-necessary.

The Enclosures include an attached page "CROSS-REFERENCE TO RELATED APPLICATIONS, OTHER PUBLICATIONS" which lists the other references by number which numbering is referenced in the specification.

5. Information Disclosure Statement

The references in the specification are listed in accordance with MPEP § 609.04 in PTO/SB/08a for the patents and

in the CROSS-REFERENCE TO RELATED APPLICATIONS for the other publications, for consideration by the Office.

6,7 Claim Rejections - 35 USC § 112

Your recommended changes have been made in the amended claims 1-3. The claims as amended are believed to conform to 35 U.S.C. 112 requirements including the second paragraph "The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention" and to USPTO guidelines.

Amended claim 1 has been rewritten to define the invention in the manner required by 35 U.S.C. 112 with active and positive steps presented with each step functionally connected to disclose a process. Eliminated in the amended claim are the operational step "using" and the indefinite "can".

Amended claim 2 has been rewritten to define the invention in the manner required by 35 U.S.C. 112 with active and positive steps presented with each step functionally connected to disclose a process. Eliminated in the amended claim are the operational step "using", the indefinite "can", and the phrase "speading and implementing fast encoding and decoding algorithms....," which are not active and positive steps.

Amended claim 3 has been corrected to eliminate "using MS-CDMA..." and "implementing..." which are not active and positive steps.

8. Claim Rejections - 35 USC § 112

I believe that the essential steps have been included in the amendments where required in order to close the gap between steps.

Thanks ever for your help and detailed guidance.

Sincerely,

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